

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 3377 - SB 3461

March 4, 2010

SUMMARY OF BILL: Creates a new Class D felony offense of statutory kidnapping. The offense is committed when a defendant takes or removes from this state a victim who is at least 13 years of age but less than 18 and the defendant is at least four years older than the victim, knows the victim is a minor, and knows that he or she does not have the consent of the victim's parents or legal guardians to remove the victim from the state.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$385,700/Incarceration*

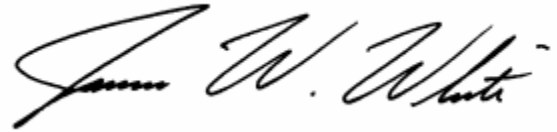
Assumptions:

- According to the 2008 Tennessee Bureau of Investigation's Crime in Tennessee Report, there were 393 juvenile victims in the kidnapping/abduction offenses. The Department of Correction (DOC) estimates two percent would be for statutory kidnapping. Eight offenders (393 x 2%) will be sentenced for a Class D felony as a result of this bill in the first year.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on nine offenders.
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class D felony is 1.96 years (715.89 days). The cost per offender at 1.96 years is \$42,853.18 (\$59.86 x 715.89 days). The total additional operating cost for nine offenders is \$385,678.62 (\$42,853.18 x 9).
- Any impact on caseloads for the state trial courts can be accommodated within existing judicial resources without an increased appropriation.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized initial "J".

James W. White, Executive Director

/lsc